

## REMARKS

This application has been carefully reviewed in light of the Office Action dated May 20, 2003 (Paper No. 15). Claims 1 to 66 are currently in the application, of which Claims 18 to 57 and 62 to 66 have been withdrawn from consideration. Claims 1, 6 to 8 and 17 are the independent claims currently under consideration. Reconsideration and further examination are respectfully requested.

Initially, Applicant thanks the Examiner for the indication that Claims 1 to 7, 58 and 59 are allowable over the prior art of record.

Claims 8 to 17, 60 and 61 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. In particular, the Office Action contended that the language used in Claims 8 and 17 is confusing and the use of alternative language in Claims 8 and 17 rendered them indefinite. In response, Applicant has amended Claims 8 and 17 to remove the alternative language and more clearly describe that which Applicant believes to be the invention. The Office Action further contended that description of “third” and “fourth” image forming operations was confusing in Claims 10 and 12. In response, Applicant has amended the claims to remove the references to “third” and “fourth” image forming operations. Accordingly, reconsideration and withdrawal of the § 112, second paragraph, rejection of Claims 8 to 17, 60 and 61 are respectfully requested.

Claims 8 to 17, 60 and 61 were also rejected under 35 U.S.C. § 102(a) over U.S. Patent No. 5,987,227 (Endo). Applicant has considered the Examiner’s comments together with the applied reference and submits that the rejected claims are patentably distinguishable over the applied reference for at least the following reasons.

Independent Claims 8 and 17 concern performing an image forming operation based on an image forming mode set via a first setting operation by a user. The image forming mode includes a plurality of processing conditions, which comprise a first processing condition for numeric data related to a number of times image forming operations are performed and a second processing condition different from the first processing condition. A trial image forming mode is controlled to perform an image forming operation a predetermined number of times based on the second processing condition and regardless of the numeric data of the first processing condition. After the trial image forming mode is performed, a user is allowed to reset the image forming mode via a second setting operation. When a reset of the image forming mode via the second setting operation after the image forming operation in the trial image forming mode does not include a reset of the first processing condition, an image forming operation is performed a number of times corresponding to the numeric data of the first processing condition of the image forming mode set in the first setting operation. Alternatively, after the image forming operation in the trial image forming mode is performed, the image forming operation is not performed the number of times corresponding to the numeric data of the first processing condition of the image forming mode set in the first setting operation in both the case that the image forming mode was not reset in the second setting operation and the case that the first processing condition of the image forming mode was reset in the second setting operation.

Endo is not understood to disclose the foregoing features of the present invention. In particular, Endo is not understood to disclose at least the feature of controlling the number of times an image forming operation is performed after a trial

image forming mode has been performed based on whether a first processing condition for numeric data related to a number of times image forming operations are performed, which was set via a first setting operation by a user, has been reset via a second setting operation by the user after the trial image forming mode.

As discussed in Applicant's previous responses, Endo concerns an image forming system in which a number of copy sets to be output after a sample set has been output is adjusted based on whether image forming conditions have been changed by an operator. Specifically, as described in Endo with reference to Figure 21, when the originally set image forming conditions are not changed after the sample set, the instructed number of output sets is reduced by one; and when the originally set image forming conditions are changed after the sample set, the instructed number of output sets is maintained. See column 26, lines 25 to 37, of Endo. However, nothing in Endo is understood to disclose that the instructed number of output sets is changed based on whether the operator changed the number of output sets after the sample set has been output. Rather, Endo is understood to base the changing of the number of output sets solely on operator changes in image forming conditions that would require a read-again operation. See column 25, lines 59 to 63, of Endo.

Therefore, Endo is not understood to disclose each and every feature of the claimed invention, and in particular is not understood to disclose the feature of controlling the number of times an image forming operation is performed after a trial image forming mode has been performed based on whether a first processing condition for numeric data related to a number of times image forming operations are performed, which was set via a first setting operation by a user, has been reset via a second setting operation by the user

after the trial image forming mode. Accordingly, independent Claims 8 and 17 are believed to be allowable over the applied reference. Reconsideration and withdrawal of the § 102(a) rejection of Claims 8 and 17 are respectfully requested.

The other rejected claims in the application depend from independent Claims 8 and 17 discussed above, and therefore are believed to be allowable over the applied reference for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, all of the claims currently under consideration in the application are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



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